

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

7 FRED ZINSER,
8 Plaintiff,
9 v.
10 NEVADA DEPARTMENT OF
11 CORRECTIONS et al.,
12 Defendants.

2:16-cv-00832-JCM-CWH

ORDER

I. DISCUSSION

On January 25, 2018, this Court entered a screening order permitting Count I, alleging deliberate indifference to serious medical needs, to proceed against Defendants Aneen Ames and Doe Nurse #2 (when Plaintiff learned his/her identity). (ECF No. 12 at 5).

The Court stayed the case for 90 days to give Plaintiff and Defendant Ames an opportunity to settle their dispute before the filing fee was paid, an answer was filed, or the discovery process began. (*Id.* at 5-6). The Court directed the Attorney General's Office to notify the Court whether it would enter a limited notice of appearance on behalf of Defendant Ames for the purpose of settlement. (*Id.* at 7).

On February 13, 2018, the Attorney General's Office informed the Court that it could not make a limited appearance for the purpose of settlement because Defendant Ames, the only remaining named defendant in this action, was not a current employee of the Nevada Department of Corrections. (ECF No. 13 at 1). The Attorney General's Office explained that it was not authorized to enter a limited notice of appearance in the matter. (*Id.* at 2).

In light of the Attorney General Office's notice, the Court now orders the Attorney General's Office to send a letter to Defendant Ames at his/her last known address informing

1 him/her that he/she is a defendant in this lawsuit. In that letter, the Attorney General's Office
2 shall ask Defendant Ames if he/she would like the Attorney General's Office to represent
3 him/her in this matter. Within 30 days from the date of this order, the Attorney General's
4 Office shall file an updated notice with the Court informing the Court whether it will be entering
5 a limited notice of appearance on behalf of Defendant Ames for the purpose of settlement in
6 light of that letter.

7 If the Attorney General's Office enters a limited notice of appearance on behalf of
8 Defendant Ames for the purpose of settlement, the Court shall schedule an early inmate
9 mediation conference. However, if the Attorney General's Office notifies the Court that it will
10 not be entering a limited notice of appearance in light of its communication with Defendant
11 Ames, the Court will issue an order that: (1) removes this case from the early inmate mediation
12 program, (2) rules on the application to proceed *in forma pauperis*, and (3) begins the service
13 process with the U.S. Marshal's Office.

14 **II. CONCLUSION**

15 For the foregoing reasons, IT IS ORDERED that the Attorney General's Office shall
16 send a letter to Defendant Ames at his/her last known address informing him/her of this lawsuit
17 and asking whether he/she seeks to have the Attorney General's Office represent him/her for
18 the limited purpose of settlement.

19 IT IS FURTHER ORDERED that, within 30 days from the date of this order, the
20 Attorney General's Office shall file an updated notice with the Court informing the Court about
21 Defendant Ames's representation status.

22 IT IS FURTHER ORDERED that, within 30 days from the date of this order, the
23 Attorney General's Office shall advise the Court whether it will enter a limited notice of
24 appearance on behalf of Defendant Ames for the purpose of settlement. No defenses or
25 objections, including lack of service, shall be waived as a result of the filing of the limited notice
26 of appearance.

27 IT IS FURTHER ORDERED that, if this case remains in the early inmate mediation
28 program, the Court extends the 90-day stay and the deadline for the 90-day stay status report

1 until 5 days after any scheduled mediation.

2 IT IS FURTHER ORDERED that, if the Attorney General's Office cannot make a limited
3 notice of appearance on behalf of Defendant Ames, the Attorney General's Office shall file,
4 *under seal*, but shall not serve the inmate Plaintiff, the last known address of Defendant Ames.
5 If the last known address of Defendant Ames is a post office box, the Attorney General's Office
6 shall attempt to obtain and provide the last known physical address.

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8 DATED: This 27th day of February, 2018.

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11 United States Magistrate Judge

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